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Remarks

This is a Response to the Office Action mailed on June 6, 2006. Entry of this Response under 37 CFR § 1.116 and reconsideration of this application are respectfully requested.

Claims 1-4, 6 and 8-10 are pending in this Application. Claim 1 has been amended. Support for this amendment is found on page 4, last paragraph of the specification. Claim 18-19 has been added. Support for these new claims is found in original claims 1 and 6 and amended claim 1. No new matter has been added.

Rejections under 35 U.S.C. §112

Claim 6 is rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In light of the amendment to claim 6, Applicants request this rejection be withdrawn.

Double Patenting Rejection

Claims 1-4, 6, and 8-10 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/642,791. Applicants submit that claim 1 of the '791 Application does not include organic colorant particles. As such, the claim 1 of the '791 Application and the claims of the invention are not substantively the same. Thus, Applicants request this rejection be withdrawn.

Claims 1-4, 6, and 8-10 are rejected as being directed to an invention not patentably distinct from claim 1 of commonly assigned Application No. 10/642,791. Applicants submit that claim 1 of the '791 Application does not include organic colorant particles. As such, the claim 1 of the '791 Application is patentably distinct from the claims of the invention. Thus, Applicants request this rejection be withdrawn.

Rejections under 35 U.S.C. §102(e)

Claims 1-4, 6, and 8-10 are rejected under 35 U.S.C. §102(e) as being anticipated by Brown et al. (U.S. Publication No. 2004/0054063 or Application No. 10/642,791). As explained above, Applicants submit that Brown et al. neither teach nor disclose a polymer composition having organic colorant particles.

Brown et al. disclose polymer compositions comprising inorganic particles, where the polymer particles interact with the inorganic pigments to make them more effective.

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Brown et al. do not teach any special interaction from adding adjuvants to the compositions of Brown et al.

In the present invention, there is an increased efficiency of organic pigments in paints using the polymer composition of claim 1. As shown in Tables 2.2 to 2.4, and 3.2, the colored coatings of the invention have larger saturation values, increased light scattering and light adsorption, less variation in tinting strength, and better color acceptance. See, Application, pages 30-37. Because the use of organic pigments in paints using the polymer composition of the invention and the increased efficiency is not disclosed in Brown et al., Applicants request this rejection be withdrawn.

Rejections under 35 U.S.C. §103

Claims 1-4, 6, and 8-10 are provisionally rejected under 35 U.S.C. §103(a) as being obvious over copending Application No. 10/642,791. For the reasons stated above, Applicants submit that the '791 Application does not teach or disclose polymer compositions with organic colorant particles. Therefore, Applicants request this rejection be withdrawn.

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Conclusion

In view of these remarks, Applicants believe that the pending claims are in condition for allowance, and early and favorable action is earnestly solicited.

This Paper is believed to be timely filed with a one-month extension-of-time fee. However, if any other fees are deemed required for consideration of this Response, the Commissioner is authorized to charge such fee to Deposit Account No. 18-1850.

Respectfully submitted,

September 14, 2006

Date



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